

REMARKS

Claims 1 to 3, 6 to 18, 21 to 24, 27 to 39, 42 to 45, 48 to 62, and 65 to 88 are pending in the application, of which claims 1, 13, 22, 36, 43, 59 and 68 are independent. Favorable reconsideration and further examination are respectfully requested.

In the Office Action, claims 1 to 75 were rejected under 35 U.S.C. §103 over U.S. Patent No. 6,343,320 (Fairchild) in view of U.S. Patent No. 6,691,106 (Sathyanarayan). As shown above, Applicant has amended the claims to define the invention with greater clarity. In view of these clarifications, withdrawal of the art rejection is respectfully requested.

As shown above, independent claim 1 has been amended to clarify that the method is performed by a device associated with an apparatus to report the state of the apparatus to a remote computer that cannot directly address the device. The applied Fairchild patent does not disclose or suggest these features of claim 1. More specifically, Fairchild is directed to a system in which a management server 102 can access one or more managed devices directly. For example, as described, e.g., in column 5, lines 51 et seq., management server 102 accesses management data from "HMMDs" and controls those devices using Internet technology. Likewise, column 4, lines 58 to 61 and column 10, lines 24 to 29 make it clear that the management server 102 is on the same network as the managed devices (i.e., the network on which the management server and managed devices reside may be behind a firewall).

In addition, Applicant submits that Fairchild does not disclose or suggest generating a message that reports the state of an apparatus using a self-describing computer language, where the message is indicative of an error condition in the apparatus and the error condition comprises

one or more variables that deviate from an acceptable value or a predetermined range of acceptable values. In this regard, column 6, lines 37 to 45 were cited for their disclosure of HTTP alerts, which were said to constitute an error condition in the apparatus (see, e.g., page 3, paragraph 6 of the Office Action). Fairchild is not clear as to what these HTTP alerts constitute, and does not indicate that they relate to one or more variables that deviate from an acceptable value or a predetermined range of acceptable values.

Column 10, lines 2 to 14 and column 23, lines 1 to 3 were cited for their alleged disclosure of a variable that deviates from an acceptable value or a predetermined range of acceptable values. The cited portion of column 10 describes logical groupings of network participating devices (NPDs) based on their addresses. The cited portion of column 23 describes identifying a device's state change, not an error condition in the device. Accordingly, while Fairchild may be said to describe identifying a variable that deviates from an acceptable value or a predetermined range of acceptable values, there is no indication that identifying such deviation is performed in the context of identifying an error condition.

For at least the foregoing reasons, claim 1 is believed to be patentable over Fairchild. Sathyanarayan was cited solely for its disclosure of an embedded device, and is not understood to add anything to the disclosure of Fairchild that would remedy its foregoing deficiencies vis-à-vis claim 1. Accordingly, claim 1 is believed to be allowable.

Amended independent claims 22, 43 and 68 are each drawn along the lines of claim 1, and include similar limitations to those set forth above. These claims are therefore believed to be patentable for at least the same reasons noted above.

Amended independent claim 15 has been amended to specify that the message is received from a network that includes the device and that is not directly addressable by the computer, that the deviation is indicative of an error condition in the apparatus, and that the error condition comprises one or more variables that deviate from an acceptable value or a predetermined range of acceptable values. As explained above with respect to claim 1, Fairchild and Sathyanarayan are not understood to disclose or to suggest these features. Accordingly, claim 15 is also believed to be allowable.

Amended independent claims 36 and 59 are each drawn along the lines of claim 22, and include similar limitations to those set forth above. These claims are therefore believed to be patentable for at least the same reasons noted above.

Each of the dependent claims is also believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, has not been discussed specifically herein.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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Finally, Applicant notes that page 2 of the Form PTO-1449 that accompanied the Information Disclosure Statement filed on August 30, 2004 contained an error. Specifically, ID No. "APP" should read "Office Action dtd 8/5/2004" instead of "Office Action dtd 5/8/2004". A corrected page 2 from that Form PTO is attached hereto.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-521-7896.

Enclosed is a \$9.00 check for excess claim fees and a \$215.00 check for the Petition for Extension of Time fee. Please apply any fees, which have not already been covered by check, to deposit account 06-1050, referencing Attorney Docket No. 11333-014001.

Respectfully submitted,

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